

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Alberto Manual Fernández Colón
Plaintiff

v.

Capital Mortgage Services, Corp.
Defendant

Civil No.: 19-cv-1861(wgy)

COMPLAINT

I. Statement of Jurisdiction

I am filling this case in federal court because I am a victim of mortgage fraud perpetrated by the senior officials of Capital Mortgage Services, Corp. a mortgage lender in San Juan, Puerto Rico.

II. Statement of the Parties

Capital Mortgage Services, Corp.

206 Av. Eleanor Roosevelt, San Juan, PR 00918

III. Statement of Claim(s)

I am a victim of mortgage fraud perpetrated by the senior officials of Capital Mortgage Services, Corp. a mortgage lender. This loan was made because it was a part of my late mother's inheritance. I was led to believe the loan was a purchase loan where I didn't have to be disclosed. The loan was refinanced making this situation loan flipping and that is fraud. The loan does not comply with TRID and appears to be a Non-QM mortgage loan. I wasn't disclosed that is a violation of numerous federal laws. The president of the institution Rafael J. Despiau and LO of this loan provided me bogus documentation. The lender appears to have stolen a Non-Resident Tax Withholding and a Tax Withholding of Property Taxes . They provided me fake documentation and the withholdings weren't included in the Closing Statement.. This fraud was reported in March 2018 to local and federal authorities. I filed a complaint with the CFPB and was later passed to the FTC because they stole my identity. I believe that I have bases for a discrimination lawsuit and I will file a discrimination complaint because of this transaction. Every part of this loan seems fraudulent and this organization appears to be committing different types of frauds that it's the reason I am making this complaint to the federal court.

IV. Statement of Relief

I believe that I deserve a higher than usual relief because mortgage banking is the field of my profession. It was my late mother's inheritance, and I suffered lots of personal, professional, economic, reputational and familiar losses., due to this fraudulent transaction. Eventhough, TRID provides the set amount for civil penalties when its intentional, I believe I deserve a relief of \$4,000,000.00 to include damages.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 12 day of September, 2019.

Signature: Alberto M. Fernández Colón

Name: Alberto M. Fernández Colón

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